

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE
LICENSE OF

MARKEYA L. BUTCHER, L.P.N.
License # 26NP06409700

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

Administrative Action

**FINAL ORDER
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Markeya L. Butcher (Respondent) is a Licensed Practical Nurse (LPN) in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. On or about December 3, 2013, the Board issued a letter of inquiry, asking Respondent, along with other things, to provide documentation of continuing education completed within the last three years.
3. Respondent provided documentation of completion of 30 contact hours of continuing education completed on March 9, 2014.

4. On or about June 13, 2014, Respondent was again asked, in a letter sent to her address of record by certified and regular mail, to provide documentation of all continuing education courses completed since June 1, 2010. Respondent was advised that if she was unable to document timely completion of continuing education for the June 1, 2010 – May 31, 2012 renewal period, she should complete those requirements belatedly and provide documentation within fifteen days. The receipt of the certified mailing of this request was signed upon delivery. The regular mailing was not returned. No response has been received to date.

5. Respondent indicated on her 2012 renewal application that she would have completed all required continuing education for the June 1, 2010 – May 31, 2012 renewal period by May 31, 2012.

CONCLUSIONS OF LAW

Respondent's failure to provide documentation of completion of required continuing education for the June 1, 2010 – May 31, 2012 biennial period is interpreted as a failure to timely complete continuing education requirements in violation of N.J.A.C. 13:37-5.3.

Respondent's indication on her 2012 renewal application that she would have timely completed all required continuing education for the June 1, 2010 – May 31, 2012 renewal period by May 31, 2012 is interpreted as constituting misrepresentation in violation of N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a suspension, reprimand, and two hundred and fifty dollar (\$250) civil penalty was entered on September 2, 2014. Copies were served upon Respondent via

regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order of Discipline. Thus far, Respondent has provided documentation of completion of the following continuing education:

0 hours within the 6/1/2010 – 5/31/2012 biennial period;

30 hours within the 6/1/2012 – 5/31/2014 biennial period;

30 hours on 10/29/2014.

Respondent may apply the most recent 30 hours to cure the deficiency of the June 1, 2010 – May 31, 2012 biennial period, but those same hours may not also be used to satisfy the requirements of the current biennial period. Respondent must complete another 30 hours of continuing education before May 31, 2016 to satisfy the requirements of the current biennial period.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as Respondent did not dispute the findings of fact or conclusions of law. Inasmuch as Respondent cured the deficiency of the previous biennial period, the Board determined that suspension was no longer warranted. However, the Board determined that Respondent's failure to timely complete continuing education in the

June 1, 2010 – May 31, 2012 biennial period warrants imposition of a two hundred and fifty dollar (\$250) civil penalty. Additionally, the Board determined that a reprimand is warranted for Respondent's answer on her renewal application whereby she certified that she had completed the required continuing education when she had not done so.

ACCORDINGLY, IT IS on this 27th day of February, 2015,
ORDERED that:

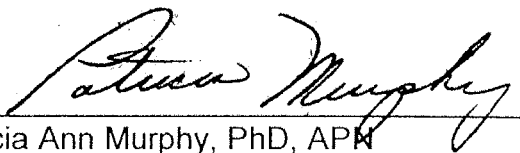
1. A public reprimand is hereby imposed upon Respondent for engaging in misrepresentation on her 2012 renewal application with respect to the completion of continuing education requirements in violation of N.J.S.A. 45:1-21(b).

2. A two hundred and fifty dollar (\$250) civil penalty is hereby imposed for Respondent's failure to timely complete continuing education requirements for the June 1, 2010 – May 31, 2012 renewal period in violation of N.J.A.C. 13:37-5.3. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. The 30 hours of continuing education completed on October 29, 2014 shall not be used to satisfy the requirements of the June 1, 2014 – May 31, 2016 biennial period. Respondent shall complete another 30 hours of continuing education, including the required one hour Organ and Tissue Donation course prior to May 31, 2016 to satisfy the requirements of the current biennial period.

NEW JERSEY STATE BOARD OF NURSING

By:



Patricia Ann Murphy, PhD, APRN
Board President